

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following arguments is respectfully requested.

Claims 4-17 have been canceled.

Allowable Claims

Claims 1-3 were indicated by the Examiner to be allowable. Applicants thank the Examiner for this indication.

Written Description – 35 U.S.C. Section 112, First Paragraph

Claims 4, 6-11 and 13-17 remain rejected under 35 U.S.C. Section 112, first paragraph as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Although Applicants vigorously disagree with the Examiner's rejection, in order to advance prosecution and without admitting the correctness of this rejection, Applicants have deleted claims 4, 6-11 and 13-17. In view of the deletion of these claims, Applicants submit that this rejection is now moot and should be withdrawn.

Enablement – 35 U.S.C. Section 112, First Paragraph

Claims 5-10 and 12 remain rejected under 35 U.S.C. Section 112, first paragraph as not being enabled by the specification. Although Applicants vigorously disagree with the Examiner's rejection, in order to advance prosecution and without admitting the correctness of this rejection, Applicants have deleted claims 5-10 and 12. In view of the deletion of these claims, Applicants submit that this rejection is now moot and should be withdrawn.

Miscellaneous Matters

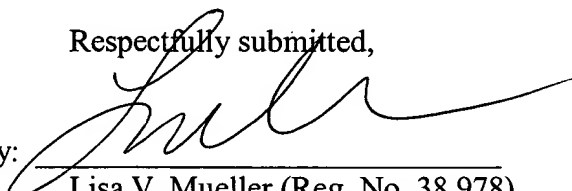
The reference to the deposit information on page 7, lines 36-44 has been deleted. Applicants submit that seeds of the variety, *Lobelia valida*, are available from a variety of commercial sources, including, but not limited to, Silverhill Seeds, P.O. Box 53108, Kenilworth,

7745 Cape Town, South Africa (see page 4, lines 5-7 of the specification). Therefore, in view of this information, Applicant submits that a deposit of biological material under 35 U.S.C. Section 112, first paragraph, is not required. Applicant submits that a skilled artisan would be able to know how to make the claimed plants as such plants are publicly available.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on a January 5, 2004.

